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8 **THE UNITED STATES DISTRICT COURT**
9 **FOR THE DISTRICT OF NEVADA**

10 CHERRI LANE,

11 Plaintiff,

12 vs.

13 MGM RESORTS INTERNATIONAL
14 OPERATIONS, INC, A NEVADA
15 CORPORATION,

16 Defendant.

CASE NO.: 2:24-CV-02344-GMN-NJK

**STIPULATION AND ORDER TO
EXTEND TIME FOR PLAINTIFF TO
RESPOND TO DEFENDANT'S
MOTION TO DISMISS [ECF 10]**

(FIRST REQUEST)

17 Pursuant to LR IA 6-1, Plaintiff CHERRI LANE, on one hand, and Defendant MGM
18 RESORTS INTERNATIONAL OPERATIONS, INC., on the other hand, by and through their
19 respective undersigned attorneys of record (collectively, the "Parties"), hereby stipulate and agree
20 subject to the Court's approval to extend time for Plaintiff to respond to the Defendant's Motion
21 to Dismiss (ECF No. 10).

- 22 1. On December 16, 2024 Defendant filed its Notice of Removal of Action to the United
23 States District Court (ECF No. 1).
- 24 2. On December 23, 2024, Defendant filed its Motion to Dismiss (ECF No. 10). Defendant
25 believed that Plaintiff's counsel was registered for electronic service and therefore
26 attached to the motion a Certificate of Service incorrectly stating that Plaintiff had been
27 served with the motion through the CM/ECF system.
- 28 3. It later came to the attention of the Defendant that Plaintiff had not been served with the
Motion to Dismiss. Defense counsel then reached out to Plaintiff's counsel on January 15,
2025 to inquire as to whether service had been received. Plaintiff's counsel confirmed

1 that he had not been served with the motion.

2 4. On January 15, 2025, Defendant served Plaintiff with a copy of the motion to dismiss by
3 electronic mail to Plaintiff's counsel.

4 5. Defendant thereafter filed an Errata to the Certificate of Service (ECF No. 13), indicating
5 that service had been made on January 15, 2025, not December 23, 2025.

6 6. Considering the lack of service of the Motion to Dismiss on December 23, 2025, the
7 "clock" did not begin to run on Plaintiff's deadline to respond to the Motion to Dismiss.
8 See, LR 7-2 ("[t]he deadline to file and serve any points and authorities in response to the
9 motion is 14 days after service of the motion.").

10 7. Based on the irregularities in service of the motion, Counsel for the parties met and
11 conferred on January 17, 2025.

12 8. Subject to the Court's approval, the Parties have agreed that the plaintiff shall have an
13 additional fifteen (15) days from the date of filing of this stipulation to respond to the
14 Motion to Dismiss (ECF No. 10).

15 9. Good cause exists to grant this stipulation and it is submitted in good faith, is not
16 interposed for delay, and is not filed for an improper purpose.

17 DATED: January 17, 2025

DATED: January 17, 2025

18 /s/ Scott R. Pettitt.

THE LAW OFFICE OF KEVIN F. BOYLE

19 SCOTT R. PETTITT

/s/ Kevin F. Boyle.

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25 International Operations, Inc.

Attorneys for Plaintiff Cherri Lane

26 Dated: January 17, 2025.

IT IS SO ORDERED.

27 
GLORIA M. NAVARRO

28 UNITED STATES DISTRICT JUDGE